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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

IN RE: NATIONAL COLLEGIATE
ATHLETIC ASSOCIATION ATHLETIC
GRANT-IN-AID CAP ANTITRUST
LITIGATION

Case No. 4:14-md-2541-CW

**STIPULATION AND ORDER REGARDING
PLAINTIFFS' FEE AND COST AWARD AND
REMAINING DISPUTES**

This Document Relates to:

ALL ACTIONS EXCEPT
Jenkins v. Nat'l Collegiate Athletic Ass'n,
Case No. 14-cv-02758-CW

1 WHEREAS, on July 9, 2020, Plaintiffs' Counsel submitted supplemental declarations detailing
2 the following attorneys' fees and costs: (1) Winston & Strawn LLP's attorneys' fees and costs incurred
3 between October 31, 2019 and July 7, 2020, (2) Hagens Berman Sobol Shapiro LLP's attorneys' fees
4 and costs incurred between October 31, 2019 and July 7, 2020, and (3) Pearson, Simon & Warshaw,
5 LLP's attorneys' fees incurred in connection with (a) the appellate proceedings in this matter from
6 April 5, 2019 through July 7, 2020, and (b) the injunctive relief litigation at the District Court from
7 October 31, 2019 through July 7, 2020, ECF Nos. 1289, 1289-1, 1289-2 (the "July 9 Fee and Cost
8 Request");
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10
11 WHEREAS, on July 10, 2020, the Court issued an Order for Parties to Meet and Confer Re:
12 Attorneys' Fees From Appeal (ECF No. 1290) directing the Parties to file a stipulation regarding the
13 process for adjudicating Plaintiffs' remaining fee and cost requests;

14 WHEREAS, on July 17, 2020, the Parties submitted a Stipulation and [Proposed] Order
15 Regarding Schedule for Resolving Remaining Attorneys' Fees, Expenses and Service Awards
16 Requests, which was so-ordered by the Court on August 5, 2020, ECF Nos. 1291, 1293 (the
17 "Stipulation");
18

19 WHEREAS, in accordance with Paragraph 4(a) of the Stipulation, Plaintiffs provided
20 Defendants with the billing records supporting the attorneys' fees requested in the July 9 Fee and Cost
21 Request; and

22 WHEREAS, in accordance with Paragraphs 4(c)-(e) of the Stipulation, the Parties have met-
23 and-conferred regarding the July 9 Fee and Cost Request.

24 THEREFORE, in accordance with Paragraphs 4(d) and (e) of the Stipulation, the Parties hereby
25 agree and stipulate as follows:
26
27
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1 1. In accordance with Paragraph 4(d) of the Stipulation, and provided that Plaintiffs
 2 remain the prevailing party, Plaintiffs are entitled to the following fees, costs and expenses with respect
 3 to the July 9 Fee and Cost Request—in addition to the fees, costs, expenses and service awards
 4 previously ordered by the Court (ECF Nos. 1261, 1280)—which fees, costs and expenses shall be paid
 5 to respective counsel in accordance with Paragraph 7 of the Stipulation:
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Firm	Compensable Fees
Winston & Strawn LLP	\$708,638.95
Hagens Berman Sobol Shapiro LLP	\$268,892.50
Pearson, Simon & Warshaw LLP	\$138,498.00
TOTAL	\$1,116,029.45

Firm	Compensable Costs & Expenses
Winston & Strawn LLP	\$16,214.50
Hagens Berman Sobol Shapiro LLP	\$1,070.38
TOTAL	\$17,284.88

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 17 2. In accordance with Paragraph 4(e) of the Stipulation, Defendants have objected to
 18 Plaintiffs' entitlement to the following fees sought in the July 9 Fee and Cost Request (the "Disputed
 19 Fees"):

Firm	Disputed Fees
Winston & Strawn LLP	\$65,177.00
Hagens Berman Sobol Shapiro LLP	\$29,610.00
Pearson, Simon & Warshaw LLP	\$8,814.00
TOTAL	\$103,601.00

25 3. Provided that Plaintiffs remain the prevailing party, the Parties will revisit the Disputed
 26 Fees and Plaintiffs' billing records underlying the Disputed Fees at the same time as they address
 27

1 Plaintiffs' requests for attorneys' fees, costs and expenses incurred after July 7, 2020, in accordance
2 with Paragraph 5 of the Stipulation.

3 4. Thereafter:

4 (a) If the Parties are able to reach agreement as to the appropriateness of the
5 Disputed Fees (or any portion thereof), the Parties will promptly file a stipulation with the
6 Court memorializing that agreement, as well as any agreement regarding the appropriateness
7 of Plaintiffs' requested fees, costs and expenses for the period after July 7, 2020, in accordance
8 with Paragraph 5(e) of the Stipulation.
9

10 (b) If the Parties cannot reach agreement as to the appropriateness of the Disputed
11 Fees (or any portion thereof), the Parties will promptly so notify the Court along with
12 notification of any dispute as to the appropriateness of Plaintiffs' requested fees, costs and
13 expenses for the period after July 7, 2020, in accordance with Paragraph 5(f) of the Stipulation.
14 In such case, Defendants will file with the Court any objections to the Disputed Fees, along
15 with any objections to Plaintiffs' requested fees and costs for the period after July 7, 2020, in
16 accordance with Paragraph 5(g) of the Stipulation.
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1 Dated: August 27, 2020

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2 HAGENS BERMAN SOBOL SHAPIRO LLP

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ATTESTATION PURSUANT TO CIVIL LOCAL RULE 5-1(i)(3)

Pursuant to Civil Local Rule 5-1(i)(3), the filer of this document attests that concurrence in the filing of this document has been obtained from the signatories above.

/s/ Jeffrey L. Kessler

ORDER

Having reviewed the foregoing **STIPULATION AND [PROPOSED] ORDER REGARDING PLAINTIFFS' FEE AND COST AWARD AND REMAINING DISPUTES** (the "Stipulation"), the Court **GRANTS** the Stipulation.

IT IS HEREBY ORDERED that Plaintiffs' Motion for Attorneys' Fees, Expenses and Service Awards is **GRANTED IN PART** as follows:

1. The Court **HEREBY AWARDS** Plaintiffs \$1,116,029.45¹ in additional attorneys' fees to be paid to the respective Plaintiffs' counsel firms as follows:

Firm	Fees
Winston & Strawn LLP	\$708,638.95
Hagens Berman Sobol Shapiro LLP	\$268,892.50
Pearson, Simon & Warshaw LLP	\$138,498.00

2. The Court also **HEREBY AWARDS** Plaintiffs \$17,284.88 in additional costs and expenses to be paid to the respective Plaintiffs' counsel firms as follows:

Firm	Costs & Expenses
Winston & Strawn LLP	\$16,214.50
Hagens Berman Sobol Shapiro LLP	\$1,070.38

¹ The fees and costs awarded herein are in addition to the fees, costs, expenses and service awards awarded to Plaintiffs by the Court's prior Orders (ECF Nos. 1261, 1280). This award addresses (1) Winston & Strawn LLP's attorneys' fees and costs incurred between October 31, 2019 and July 7, 2020, (2) Hagens Berman Sobol Shapiro LLP's attorneys' fees and costs incurred between October 31, 2019 and July 7, 2020, and (3) Pearson, Simon & Warshaw, LLP's attorneys' fees incurred in connection with (a) the appellate proceedings in this matter from April 5, 2019 through July 7, 2020, and (b) the injunctive relief litigation at the District Court from October 31, 2019 through July 7, 2020, which do not remain in dispute. The Court will address attorneys' fees, expenses and costs incurred by Plaintiffs which post-date July 7, 2020, and any disputed amounts incurred prior to July 7, 2020 at a later date.

1 **IT IS SO ORDERED.**

2 Dated: September 10, 2020

